

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

WOODROW BALL, Executor of the  
Estate of BARBARA BALL, deceased,

Plaintiff,

v.

PHILIP MORRIS INC.; LIGGETT &  
MYERS, INC.; LIGGETT GROUP,  
INC.; BROOKE GROUP, INC.; R. J.  
REYNOLDS TOBACCO COMPANY and  
BROWN & WILLIAMSON TOBACCO  
CORPORATION,

Defendants.

**STIPULATION AND ORDER OF DISMISSAL**

Now come the plaintiff, by counsel, and the defendants, by counsel, pursuant to FRCP 41(a)(1)(ii), and hereby stipulate and agree to the dismissal of this matter without prejudice, with all parties to bear their own attorneys fees, expenses and costs; provided, further, that the parties stipulate and agree that in the event any claim arising out of the use of any tobacco product by the decedent, Barbara Ball, shall be later made in any court of record or before any administrative tribunal, then the defendants herein shall each be entitled to seek the recovery of all of the attorneys fees, expenses and cost respectively incurred by them in defense of this case. Accordingly, the Stipulation of the parties is approved and it is hereby ORDERED that this civil action be dismissed without prejudice.

**ENTERED**

**JUN - 1 1999**

**SAMUEL L. KAY, CLERK**

U. S. District & County Courts  
Southern District of West Virginia

Civil Action No. 2:97-0867  
(Chief Judge Haden)

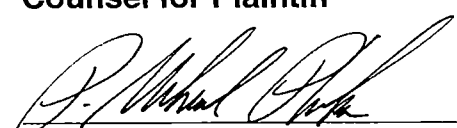
It is further ORDERED that the Clerk send certified copies of this Order to all counsel of record and that this matter be removed from the Court's docket.


ENTERED this 1st day of June, 1999.

  
Charles H. Haden II, Chief Judge

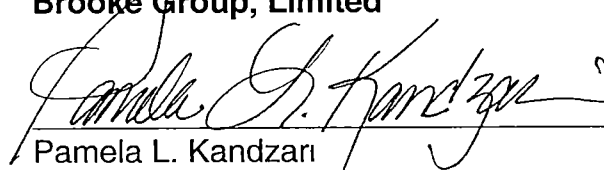
Stipulated, Agreed To and  
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